UNITED STATES PATENT AND TRADEMARK OFFICE

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09/767,857	01/24/2001	Keiji Hashimoto	1538.1008/JDH	3366

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EXAMINER
RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
2124	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/767,857	HASHIMOTO ET AL.
	Examiner	Art Unit
	Satish S. Rampuria	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7 and 10-22* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7 and 10-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Office Action

1. This office action is in response to the application files on January 24, 2000.

2. Claims 2 and 8-9 have been cancelled by applicant.

3. Claim 22 has been added.

4. Claims 1, 3-7, and 10-22 are pending.

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on Nov 15, 2004 has been entered.

Claim objections

6. Claim 1 is objected to because of the following informalities:

Regarding claim 1, page 2, 3rd paragraph, the word "analyser" appears to be a typo, it

should have been "analyzer".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1, 3, 4, 5, 6, 7, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chigira above in view of Stack, US Patent No. 6,257,774.

As per claim 1, Chigira discloses:

-   *An automatic program generation apparatus for automatically generating a program*

(col. 1, lines 46-48 "provided an automatic program generation apparatus in a computer

program development support system") *that will perform a predetermined processing,*

comprising (col. 1, lines 49-50 "input information relating to manner of use of data");

-   *a plurality of data structure resolution units* (col.2, lines 42-43 "a plurality of program

part prototypes as a program part prototype library") *that respectively include a model*

program (col. 1, lines 52-53 "a processing unit for generating program parts from the

program part prototypes") *for a corresponding data structure* (col. 1, lines 54-56 "the

input information is analyzed, one of the program part prototypes stored in the memory

unit is selected in accordance with the analysis"), *wherein said model program includes*

resolution logic for performing a setting peculiar to said predetermined processing (col.

2, lines 45-48 "the input information is analyzed, one of the program part prototypes

stored in the memory unit is selected in accordance with the analysis (setting peculiar),

and the selected program is modified in accordance with the analysis to generate a

program"). It is interpreted that input information is a setting indicating which processor

to select according to information.

-   *and a resolution unit for generating a program* (col. 1, lines 52-53 "a processing unit for

generating program parts from the program part prototypes") *for performing said*

predetermined processing (col. 1, lines "63-64 "program is generated based on the

selected (predetermined) program part prototype") *by acquiring resolution information*

relating to (col. 2, lines 39-40 "information relating to the manner of use of the data")

said setting peculiar to said predetermined processing for the resolution logic (col. 1,

lines 51-54 "plurality of program part... part prototype" and col. 2, lines 45-48 "the input

information is analyzed, one of the program part prototypes stored in the memory unit is

selected in accordance with the analysis (setting peculiar), and the selected program is

modified in accordance with the analysis to generate a program") *included in said model*

program in said data structure resolution unit corresponding to a selected data

structure (col. 2, lines 51-56 "The program part to be generated is designated by the

processing unit 22 which receives the data to be processed by the program and the

information relating to the manner of use of the data from the input/output unit 21

through a general purpose text editor and analyzes it");

- *wherein said resolution unit comprises an analyser that analyzes said resolution logic*

included in said model program in said data structure resolution unit corresponding to

the selected data structure to specify items of said resolution information to be inputted,

(col. 2, lines 44-48 "a processing unit for generating a program part by analyzing the

input information to the input/output unit 21, selecting one of the program part prototypes

from the memory unit 23 in accordance with the analysis and modifying the selected

program part prototype").

Chigira does not explicitly disclose prompts a user to input said resolution information for said resolution logic based on the specified items in the analysis and synthesizing the model program and the acquired resolution information for the resolution logic.

However, Stack discloses in an analogous computer system prompts a user to input said resolution information for said resolution logic based on the analysis (col. 5, lines 24-28 "The process 70 begins with the election of a user choice 72 to define the file structure 74, define a program structure 76, or create a field definition 78. With each of these choices, the user is prompted, and provided with starting text as appropriate, through a process that results in the production of definitions and text representing the user's further inputs" see fig. 5 and related discussion) and synthesizing the model program and the acquired resolution information for the resolution logic (col. 1, lines 54-63 "program synthesizers based on libraries of pre-established program parts have been proposed. A library based program synthesizer... program generator operates from defined data to select a best match of a program part prototype from a part prototype library. Each program part prototype stored by the library is predefined and statically maintained as part of the library until selection during program generation").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of prompting the user to get the input and synthesizing the program parts as taught by Stack into the method of automatic program generation as taught by Chigira. The modification would be obvious because of one of ordinary skill in the art would be motivated to have the user prompt for the input to generate the program by selecting the suitable program components as suggested by Stack (col. 3, lines 27-36).

As per claim 3, the rejection of claim 1 is incorporated and further Chigira discloses:

- *the data structure resolution unit corresponding to the selected data structure is either*

   a one or a various types of data structure (col. 4, lines 23-25 "Through the function, one

   program prototype can be flexibly applied to various data (structure) without addition or

   modification").

As per claim 4 the rejection of claim 1 is incorporated and further Chigira discloses:

- *a first model program that prescribes a data structure comprising one or a plurality of*

   record types (col. 3, lines 31-32 "After the analysis, the processing unit 22 prepares the

   data attribute analysis table shown in FIG. 5"), *and a link between record types if a*

   plurality of record type exists, and that includes resolution logic for performing a setting

   for said predetermined processing *as to said data structure* (col. 3, lines 33-35 "the

   processing unit 22 selects one of the program part prototypes from the program part

   prototype library by referring to the analysis (predetermined settings) table");

- *and a second model program that includes resolution logic* for performing a setting for

   said predetermined processing as to an operation, *and that corresponds to a basic*

   operation executed for said data structure (col.3, lines 24-28 "The input information

   designates the data declaration statement to be processed by the program, the manner of

   use of the data (class) and the key where the class designates the retrieval table").

As per claim 5, Chigira discloses:

-   *An automatic program generation program embodied on a medium for automatically generating a program* (col. 1, lines 46-48 "provided an automatic program generation apparatus in a computer program development support system") *that will perform a predetermined processing,* (col. 1, lines 49-50 "input information relating to manner of use of data") said automatic program generation program comprising:

-   *acquiring resolution information relating to* (col. 2, lines 39-40 "information relating to the manner of use of the data") *said setting peculiar to said predetermined processing for the resolution logic* (col. 2, lines 45-48 "the input information is analyzed, one of the program part prototypes stored in the memory unit is selected in accordance with the analysis (setting peculiar), and the selected program is modified in accordance with the analysis to generate a program") *included in a model program in a data structure resolution unit corresponding to a selected data structure* (col. 2, lines 51-56 "The program part to be generated is designated by the processing unit 22 which receives the data to be processed by the program and the information relating to the manner of use of the data from the input/output unit 21 through a general purpose text editor and analyzes it") *wherein said data structure resolution unit* (col.2, lines 42-43 "a plurality of program part prototypes as a program part prototype library") *includes said model program* (col. 1, lines 52-53 "a processing unit for generating program parts from the program part prototypes") *for a corresponding data structure* (col. 1, lines 54-56 "the input information is analyzed, one of the program part prototypes stored in the memory unit is selected in accordance with the analysis"), *and said model program includes resolution logic for performing a setting peculiar to said predetermined processing* (col.

2, lines 45-48 "the input information is analyzed, one of the program part prototypes

stored in the memory unit is selected in accordance with the analysis (setting peculiar),

and the selected program is modified in accordance with the analysis to generate a

program"). It is interpreted that input information is a setting indicating which processor

to select according to information.

- *generating a program* (col. 1, lines 52-53 "a processing unit for generating program parts

from the program part prototypes") *for performing said predetermined processing* (col.

1, lines "63-64 "program is generated based on the selected (predetermined) program part

prototype") wherein said resolution unit comprises:

- *analzing said resolution logic included in said model program in said data structure*

resolution unit corresponding to the selected data structure to specify items of said

resolution information to be inputted (col. 2, lines 44-48 "a processing unit for

generating a program part by analyzing the input information to the input/output unit 21,

selecting one of the program part prototypes from the memory unit 23 in accordance with

the analysis and modifying the selected program part prototype").

Chigira does not explicitly prompts a user to input said resolution information for said resolution

logic based on the specified items in said analyzing and synthesizing the model program and the

acquired resolution information for the resolution logic.

However, Stack discloses in an analogous computer system prompts a user to input said

resolution information for said resolution logic based on the analysis (col. 5, lines 24-28 "The

process 70 begins with the election of a user choice 72 to define the file structure 74, define a

program structure 76, or create a field definition 78. With each of these choices, the user is

prompted, and provided with starting text as appropriate, through a process that results in the

production of definitions and text representing the user's further inputs" see fig. 5 and related

discussion) and synthesizing the model program and the acquired resolution information for the

resolution logic (col. 1, lines 54-63 "program synthesizers based on libraries of pre-established

program parts have been proposed. A library based program synthesizer... program generator

operates from defined data to select a best match of a program part prototype from a part

prototype library. Each program part prototype stored by the library is predefined and statically

maintained as part of the library until selection during program generation").

    Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of prompting the user to get the input and

synthesizing the program parts as taught by Stack into the method of automatic program

generation as taught by Chigira. The modification would be obvious because of one of ordinary

skill in the art would be motivated to have the user prompt for the input to generate the program

by selecting the suitable program components as suggested by Stack (col. 3, lines 27-36).

As per claim 6 the rejection of claim 5 is incorporated and further Chigira discloses:

-   *a first model program that prescribes a data structure comprising one or a plurality of*

    record types (col. 3, lines 31-32 "After the analysis, the processing unit 22 prepares the

    data attribute analysis table shown in FIG. 5") *and a link between record types if a*

    plurality of record type exists, and that includes resolution logic for performing a setting

    for said predetermined processing *as to said data structure* (col. 3, lines 33-35 "the

processing unit 22 selects one of the program part prototypes from the program part

prototype library by referring to the analysis (predetermined settings) table");

- *and a second model program that includes resolution logic* for performing a setting for

said predetermined processing as to an operation, *and that corresponds to a basic*

operation executed for said data structure (col.3, lines 24-28 "The input information

designates the data declaration statement to be processed by the program, the manner of

use of the data (class) and the key where the class designates the retrieval table").

As per claim 7, Chigira discloses:

- *An automatic program generation method for automatically generating a program*

(col. 1, lines 46-48 "provided an automatic program generation apparatus in a computer

program development support system") *that will perform a predetermined processing,*

(col. 1, lines 49-50 "input information relating to manner of use of data") said automatic

program generation program comprising:

- *acquiring resolution information relating to* (col. 2, lines 39-40 "information relating to

the manner of use of the data") *a setting peculiar to said predetermined processing for*

the resolution logic (col. 2, lines 45-48 "the input information is analyzed, one of the

program part prototypes stored in the memory unit is selected in accordance with the

analysis (setting peculiar), and the selected program is modified in accordance with the

analysis to generate a program") *included in a model program in a data structure*

resolution unit corresponding to a selected data structure (col. 2, lines 51-56 "The

program part to be generated is designated by the processing unit 22 which receives the

data to be processed by the program and the information relating to the manner of use of

the data from the input/output unit 21 through a general purpose text editor and analyzes

it") *wherein said data structure resolution unit* (col.2, lines 42-43 "a plurality of

program part prototypes as a program part prototype library") *includes said model*

program (col. 1, lines 52-53 "a processing unit for generating program parts from the

program part prototypes") *for a corresponding data structure* (col. 1, lines 54-56 "the

input information is analyzed, one of the program part prototypes stored in the memory

unit is selected in accordance with the analysis"), *and said model program includes*

resolution logic for performing a setting peculiar to said predetermined processing (col.

2, lines 45-48 "the input information is analyzed, one of the program part prototypes

stored in the memory unit is selected in accordance with the analysis (setting peculiar),

and the selected program is modified in accordance with the analysis to generate a

program"). It is interpreted that input information is a setting indicating which processor

to select according to information.

- *generating a program* (col. 1, lines 52-53 "a processing unit for generating program parts

   from the program part prototypes") *for performing said predetermined processing* (col.

   1, lines "63-64 "program is generated based on the selected (predetermined) program part

   prototype") wherein said resolution unit comprises:

- *analyzing said resolution logic included in said model program in said data structure*

   resolution unit corresponding to the selected data structure to specify items of said

   resolution information to be inputted, (col. 2, lines 44-48 "a processing unit for

   generating a program part by analyzing the input information to the input/output unit 21,

selecting one of the program part prototypes from the memory unit 23 in accordance

with the analysis and modifying the selected program part prototype").

Chigira does not explicitly prompts a user to input said resolution information for said resolution

logic based on the specified items said analyzing and synthesizing the model program and the

acquired resolution information for the resolution logic.

However, Stack discloses in an analogous computer system prompts a user to input said

resolution information for said resolution logic based on the analysis (col. 5, lines 24-28 "The

process 70 begins with the election of a user choice 72 to define the file structure 74, define a

program structure 76, or create a field definition 78. With each of these choices, the user is

prompted, and provided with starting text as appropriate, through a process that results in the

production of definitions and text representing the user's further inputs" see fig. 5 and related

discussion) and synthesizing the model program and the acquired resolution information for the

resolution logic (col. 1, lines 54-63 "program synthesizers based on libraries of pre-established

program parts have been proposed. A library based program synthesizer... program generator

operates from defined data to select a best match of a program part prototype from a part

prototype library. Each program part prototype stored by the library is predefined and statically

maintained as part of the library until selection during program generation").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the method of prompting the user to get the input and

synthesizing the program parts as taught by Stack into the method of automatic program

generation as taught by Chigira. The modification would be obvious because of one of ordinary

skill in the art would be motivated to have the user prompt for the input to generate the program

by selecting the suitable program components as suggested by Stack (col. 3, lines 27-36).

As per claims 10 and 13, The rejection of claim 6 is incorporated, and further, Chigira discloses:

- *wherein said first model program prescribes a simple type data structure* (col. 2, lines

  52-53 "the data (simple type) to be processed") *comprising one kind of record type* (col.

  3, lines 12-13 "the preparation of a table (matrix type) having data relating to the macro

  name") *and includes resolution logic for providing an attribute for the record* (col.3,

  lines 14-16 "The processing unit 22 analyzes the input information of FIG.3 to prepare a

  data attribute analysis table shown in FIG. 5") *and wherein resolution logic for*

  providing a setting in accordance with said predetermined specification is embedded in

  said second model program (col.3, lines 24-28 "The input information designates the

  data declaration statement to be processed by the program, the manner of use of the data

  (class) and the key where the class designates the retrieval table") *and said second model*

  program is to execute at least addition, deletion, update, and search operations for said

  record (col.3, lines 14-16 "The processing unit 22 analyzes the input information of

  FIG.3 to prepare (at least addition, deletion, update) a data attribute analysis table shown

  in FIG. 5").

9. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chigira in

    view of Wahizaki, US Patent No. 5,212,634.

As per claims 11 and 14, the rejection of claim 6 is incorporated, and further Chigira does not

explicitly discloses the data structure type is a slip type.

However, Washizaki discloses *a slip type data structure* (col.1, lines 42-43 "a slip

processing program") *with one kind of header record type* (col. 2, line 67 "the sales slip

number") *one kind of detail record type* (col. 2, lines 67-69 "unit goods price, number of goods

sold 12, and total sales obtained by multiplying the unit goods price 11 by the number of goods

sold") *and links for linking said one header record type and one or a plurality of said detail*

record types, and includes resolution logic for providing attributes for the header record and

the detail record (col.4, lines 1-7 "A generated process... indicates a process... slip

number...found consistent of matched with ... slip number 16 at check step 3").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to have an apparatus for automatically generating a program include a

data structure of slip type as taught by Washizaki in corresponding to automatic program

generation as taught by Chigira. The modification would be obvious because of one of ordinary

skill in the art would be motivated to have data structure of slip to generate slips for with

information.

The limitation of executing record, addition, deletion, and search operation is disclosed

by Chigira as discussed in the rejection of claim 10.

10. Claim 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chigira

in view of Webber et al, hereinafter called Webber, US Patent No. 5,331,546.

As per claims 12, 16 and 17, the rejection of claim 6 is incorporated, and further Chigira does

not explicitly discloses the *data structure is a type of time band, seat reservation, and plan* as

claimed.

However, Webber discloses the system to create itineraries using the data structure of

time and reservation type (col. 5 lines 34-38 "a storage device... include a tariff file, a traveler

file and a rules file... link... reservation system" and col. 6, lines 38-40 "reservation system to

check seat availability for...flight found" and col. 7, lines 16-17 "the origin and destination

locations and the time window or windows fro a trip). It is inherent that data structure is a plan

type, which stores records. Because in order to process proper for a model or function it must

access a record.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the use of data structure to make reservations as taught by

Webber in the method for automatic generating program as taught by Chigira. The modification

would be obvious because of one of ordinary skill in the art would be motivated to have a system

to make reservation automatically as suggested by Webber (Abstract, "A travel planner...

automatically construct... available seats for a traveler's").

The limitation of executing record, addition, deletion, and search operation is disclosed

by Chigira as discussed in the rejection of claim 10.

11. Claims 18, 20, and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chigira

in view of Schneier, hereinafter called Schneier, US Patent No. 5,850,516.

As per claims 18, 20, and 21, the rejection of claim 6 is incorporated, and further Chigira does

not explicitly discloses the *data structure types of a composition, tree type or hierarchy.*

However, Schneier discloses a system using tree base data structure (col. 6, lines 25-40

"The tree structure are a type of data structure... plurality of leaf nodes... predetermined

mathematical operation... lower level nodes" and col. 6, lines 25-36 "a first level... plurality of

leaf nodes... and a top level (or root)... It is ...higher level (closer to the root) node having as its

children the lower level (Father from the root) nodes from ... higher level nodes derived").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the system using tree and hierarchy type data structure as

taught by Schneier in the method for automatically generating the program as taught by Chigira.

The modification would be obvious because of one of ordinary skill in the art would be

motivated to have a system using tree type database to analyze the security system as suggested

by Schneier (col. 3, lines 10-15).

The limitation of executing record, addition, deletion, and search operation is disclosed

by Chigira as discussed in the rejection of claim 10.

12. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chigira in

view of Suzuki et al, hereinafter called Suzuki, US Patent No. 6,470,323.

As per claims 15 and 19, the rejection of claim 6 is incorporated, and further Chigira does not

explicitly discloses the *data structure types of a stock and pedigree as claimed.*

However, Suzuki discloses system utilizing data structure of stock, and one kind record

(col. 3, lines 1-8 "The database... stores... transaction information... tracking customer

history... types of data structure... lists, tables" and col. 3, lines 15-16 "storage... storing

records... relating... sales management").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to have a data structure of types as explained above in a system as taught

by Suzuki in corresponding to automatically generating the program as taught by Chigira. The

modification would be obvious because of one of ordinary skill in the art would be motivated to

have a record or array into the system to generate program as suggested by Suzuki (col. 1 lines

31-36).

The limitation of executing record, addition, deletion, and search operation is disclosed

by Chigira as claimed in claim 10.

Response to Arguments

13. Applicant's arguments with respect to claims have been considered but they are not

persuasive.

In the remarks, the applicant has argued that:

- For claim 1, input information as analyzed in Chigira is not comparable to "said

resolution logic included in said model program" as in the claimed invention. The

combination of Chigira and Stack fails to establish a prima facie case of obviousness over

the claimed invention.

- For claims 11 and 14, Chigira fails to disclose all of the features as recited in claim 5

from which claims 11 and 14 indirectly depend. Washizaki does not make up for all of

the deficiencies of Chigira as recited. The combination of Chigira and Washizaki fails to

establish a prima facie case of obviousness over the claimed invention.

- For claims 12, 16, and 17, Chigira fails to disclose "the data structure is a type of time

band, seat reservation, and plan". Webber fails to disclose all of the deficiencies of

Chigira as recited. The combination of Chigira and Webber fails to establish a prima

facie case of obviousness over the claimed invention.

- For claims 18, 20, and 21, Chigira fails to disclose "the data structures types of a

composition, tree type, or hierarchy" as recited. Schneier fails to disclose all of the

deficiencies of Chigira as recited. The combination of Chigira and Schneier fails to

establish a prima facie case of obviousness over the claimed invention.

- For claims 15 and 19, Chigira fails to disclose data type structure types of a stock and a

pedigree, as recited. Suzuki does not make up for the deficiencies of Chigira as recited.

The combination of Chigira and Suzuki fails to establish a prima facie case of

obviousness over the claimed invention.

Examiner's response:

- For claim 1, Chigira does teach the limitation "said resolution logic included in said

model program" taught in claim 1. Chigira disclose a plurality of program part prototypes

each including modifiable information, and a processing unit for generating program

parts for the program part prototypes (see the rejection above). The program part

prototypes include information to modify the program/module which similar to have

logic unit include in the model program. It is noted that the rejection clearly points out

where Chigira and Stack teach the claimed features and why it would have been obvious

to combine their teachings. Applicant only makes general allegations and does not point

out any errors in the rejection. Rather, in response to applicant's arguments against the

references individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091,

231 USPQ 375 (Fed. Cir. 1986).

- For claims 11 and 14, Chigira does not teach the limitation "the data structure type is a

   slip type". However, Wahizaki does disclose this limitation (see the rejection above). It is

   noted that the rejection clearly points out where Chigira and Wahizaki teach the claimed

   features and why it would have been obvious to combine their teachings. Applicant only

   makes general allegations and does not point out any errors in the rejection. Rather, in

   response to applicant's arguments against the references individually, one cannot show

   nonobviousness by attacking references individually where the rejections are based on

   combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

   1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

- For claims 12, 16, and 17, Chigira fails to disclose "the data structure is a type of time

   band, seat reservation, and plan". However, Webber does disclose this limitation (see the

   rejection above). It is noted that the rejection clearly points out where Chigira and

   Webber teach the claimed features and why it would have been obvious to combine their

   teachings. Applicant only makes general allegations and does not point out any errors in

   the rejection. Rather, in response to applicant's arguments against the references

individually, one cannot show nonobviousness by attacking references individually where

the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed.

Cir. 1986).

- For claims 18, 20, and 21, Chigira fails to disclose "the data structures types of a

    composition, tree type, or hierarchy" as recited. However, Webber does disclose this

    limitation (see the rejection above). It is noted that the rejection clearly points out where

    Chigira and Schneier teach the claimed features and why it would have been obvious to

    combine their teachings. Applicant only makes general allegations and does not point out

    any errors in the rejection. Rather, in response to applicant's arguments against the

    references individually, one cannot show nonobviousness by attacking references

    individually where the rejections are based on combinations of references. See *In re*

    Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091,

    231 USPQ 375 (Fed. Cir. 1986).

- For claims 15 and 19, Chigira fails to disclose data type structure types of a stock and a

    pedigree, as recited. However, Suzuki does disclose this limitation (see the rejection

    above). It is noted that the rejection clearly points out where Chigira and Suzuki teach the

    claimed features and why it would have been obvious to combine their teachings.

    Applicant only makes general allegations and does not point out any errors in the

    rejection. Rather, in response to applicant's arguments against the references individually,

    one cannot show nonobviousness by attacking references individually where the

    rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.
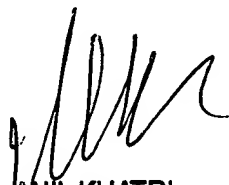
1986).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**.

The examiner can normally be reached on **8:30 am to 6:00 pm** Monday to Friday except every

other Friday and federal holidays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Kakali Chaki** can be reached on **(571) 272-3719**. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2124
Jan 10, 2005

ANIL KHATRI
PRIMARY EXAMINER